

PETITION UNDER 28 USC § 2254 FOR WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY

AO 241 (Rev. 5785)

**I: CV00-1475**

1  
8/17/00

<b>United States District Court</b>		District Middle District of Pa.
Name Douglas Sickler	Prisoner No. CP-0018	Case No.
Place of Confinement S.C.I. Waymart P.O. Box 256 Waymart, Pa. 18472		
Name of Petitioner (include name under which convicted) Douglas Sickler		Name of Respondent (authorized person having custody of petitioner) Raymond Colleran
The Attorney General of the State of: Pennsylvania - M. Fisher		

PETITION

1. Name and location of court which entered the judgment of conviction under attack Luzerne County  
Court House, River Street, Wilkes Barre, Pa. 18702
2. Date of judgment of conviction September 14, 1994
3. Length of sentence 90 Months to Twenty Years
4. Names of offense involved (all counts) No. 3273-A, Two counts I.D.S.I., Two counts  
indecent assault, one count endangering welfare of children. No.  
No. 3333, One count I.D.S.I., One count endangering welfare of  
children.

5. What was your plea? (Check one)

- (a) Not guilty ☒
- (b) Guilty ☐
- (c) Nolo contendere ☐

If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, give details:

FILED  
SCRANTON

AUG 17 2000

6. If you pleaded not guilty, what kind of trial did you have? (Check one)

- (a) Jury ☒
- (b) Judge only ☐

7. Did you testify at the trial?

Yes ☐ No ☒

8. Did you appeal from the judgment of conviction?

Yes ☒ No ☐

PER JA  
DEPUTY CLERK

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9 If you did appeal, answer the following:

(a) Name of court Luzerne County Court House (P.C.R.A.)

(b) Result Denied

(c) Date or result and citation, if known December 30, 1997

(d) Grounds raised Ineffective assistance of counsel

(e) If you sought further review on the decision on appeal by a higher state court, please answer the following:

(1) Name of court Superior Court Of Pa.

(2) Result Affirmed

(3) Date of result and citation, if known October 19, 1998

(4) Grounds raised Ineffective assistance of counsel

(f) If you filed a petition for certiorari in the United States Supreme Court, please answer the following with respect to each direct appeal:

(1) Name of court Supreme Court of Pa.

(2~) Result Petition for allowance of appeal Denied

(3) Date of result and citation, if known April 28, 1999

(4) Grounds raised Ineffective assistance of counsel

10. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions with respect to this judgment in any court, state or federal?

Yes ☐ No ☐

11. If your answer to 10 was "yes," give the following information:

(a) (1) Name of court Attached to the end of my supporting facts, you

(2) Nature of proceeding will find a list of all previous appeals, if needed, if not, kindly disregard.

(3) Grounds raised \_\_\_\_\_

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(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes ☐ No ☐

(5) Result \_\_\_\_\_

(6) Date of result \_\_\_\_\_

(b) As to any second petition, application or motion give the same information

(1) Name of court \_\_\_\_\_

(2) Nature of proceeding \_\_\_\_\_

(3) Grounds raised \_\_\_\_\_

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes ☐ No ☐

(5) Result \_\_\_\_\_

(6) Date of result \_\_\_\_\_

(c) Did you appeal to the highest state court having jurisdiction the result of action taken on any petition, application or motion?

(1) First petition, etc. Yes ☐ No ☐

(2) Second petition, etc. Yes ☐ No ☐

(d) If you did *not* appeal from the adverse action on any petition, application or motion, explain briefly why you did not-

12 State concisely every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting same.

**CAUTION:** In order to proceed in the federal court, you must ordinarily first exhaust your available state court remedies as to each ground on which you request action by the federal court. If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date.

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For your information, the following is a list of the most frequently raised grounds for relief in habeas corpus proceedings. Each statement preceded by a letter constitutes a separate ground for possible relief. You may raise any grounds which you may have other than those listed if you have exhausted your state court remedies with respect to them. However, *you should raise in this petition all available grounds* (relating to this conviction) on which you base your allegations that you are being held in custody unlawfully.

Do not check any of these listed grounds. If you select one or more of these grounds for relief, you must allege facts. The petition will be returned to you if you merely check (a) through (j) or any one of these grounds.

- (a) Conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily with understanding of the nature of the charge and the consequences of the plea.
- (b) Conviction obtained by use of coerced confession.
- (c) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure.
- (d) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.
- (e) Conviction obtained by a violation of the privilege against self-incrimination.
- (f) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
- (g) Conviction obtained by a violation of the protection against double jeopardy.
- (h) Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impaneled.
- (i) Denial of effective assistance of counsel.
- (j) Denial of right of appeal.

A. Ground one: Denial of effective assistance of counsel

Supporting FACTS (state *briefly*, without citing cases or law) \_\_\_\_\_

At Sickler's P.C.R.A. hearing, the defendant was  
represented by Attorney Gerald Grealish. Sickler contends that  
Mr. Grealish was ineffective for failing to adhere to the

requirements of 42 Pa. c.S.A. S 9545 (D) (1).

Mr. Sickler had witnesses in the Court, ready to testify on

(SUPPORTING FACTS CONTINUED ON ADDITIONAL PAGES)

B. Ground two: \_\_\_\_\_

Supporting FACTS (state *briefly* without citing cases or law): \_\_\_\_\_

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C. Ground three: \_\_\_\_\_

Supporting FACTS (state *briefly*, without citing cases or law.) \_\_\_\_\_

D. Ground four \_\_\_\_\_

Supporting FACTS (state *briefly*, without citing cases or law): \_\_\_\_\_

13. If any of the grounds listed in 12A, B, C, and D were not previously presented in any other court, state or federal, state *briefly* what grounds were not so presented, and give your reasons for not presenting them: \_\_\_\_\_

14. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack?  
Yes ☐ No ☒

15. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

(a) At preliminary hearing J. Blum, Luzerne County Public Defenders Office  
Wilkes Barre, Pa. 18702

(b) At arraignment and plea B. Dyller, Luzerne County Public Defenders  
Office, Wilkes Barre, Pa. 18702

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(c) At trial B. Dyller, Luzerne County Public Defenders Office,  
Wilkes Barre, Pa. 18702

(d) At sentencing B. Dyller, Luzerne County Public Defenders Office,  
Wilkes Barre, Pa. 18702

(e) On appeal S. Urbanski, 33 West South Street,  
Wilkes Barre, Pa. 18701

(f) In any post-conviction proceeding Gerald Grealish, 1624 Adams Ave.,  
Dunmore, Pa.

(g) On appeal from any adverse ruling In a post-conviction proceeding G. Wassil,  
630 North Main Street, Wilkes Barre, Pa. 18705

16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time?

Yes ☒ No ☐

17. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?

Yes ☐ No ☒

(a) If so, give name and location of court which imposed sentence to be served in the future: \_\_\_\_\_

(b) Give date and length, of the above sentence \_\_\_\_\_

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment *which* imposed the sentence to be served in the future?

Yes ☐ No ☐

Wherefore, petitioner prays that the Court grant petitioner relief to which he may be entitled in this proceeding.

\_\_\_\_\_  
 Signature of Attorney (if any)

I declare under penalty of perjury that the foregoing is true and correct. Executed on

August 8, 2000  
 (date)

Douglas Sickler  
 Signature of Petitioner

SUPPORTING FACTS CONTINUED FROM PAGE 5.

his behalf. These witnesses would have testified to Sickler's good character, to his relationship with his family and friends, and to the fact that the alleged victim had made this type of false allegations against others, many times in the past, and was still making this type of allegations, against her Grandfather, (Albert Snook), just months before Sickler's trial in 1994.

Attorney Grealish's failure to file the proper documents, as required by 42 Pa. C.S.A. A 9545 (D) (1), severely prejudiced Sickler when the Court refused to hear their testimony.

To Show how Mr. Grealish's error prejudiced Sickler, here is a summary of what these witnesses would have testified to on Sickler's behalf. ( Have Affidavits to verify these statements, and all these people are still as ready and willing to testify as they were then.)

These Statements, along with some of the other issues that Mr. Grealish raised at the P.C.R.A. hearing, against Att. B. Dyller, (Sickler's Attorney at Trial), will be shown in the following pages.

I have also listed all the other issues that Att. Grealish raised against trial counsel at sickler's P.C.R.A. hearing. (I was told I had to list these issues to preserve them.)



Here is a summary of some of the affidavits that Sickler has. These potential witnesses were available and willing to testify on Sickler's behalf, both at Sickler's P.C.R.A. hearing and at Sickler's trial. In order to limit the amount of pages, I will summarize only 6 (Six) of the affidavits to provide you an example of their testimony. All the facts listed, are taken directly from these statements. (I would have enclosed the original affidavits, if I were sure it would be accepted.)

(1) Dale Elston, who in the arrest warrant affidavit taken by Lake Township Police Chief, John Mosloski, the alleged victim, Barbara Snook, alleges that Mr. Elston and others were present when the alleged abuse was to have occurred. Mr. Elston will testify that there was never such an incident. Mr Elston has known Sickler for over 25 years, and has never seen any signs of abuse or neglect. That the Elston and Sickler families were very close, and shared time, meals cook-outs, ect. In fact, Mr. Elston states that if any of Sickler's children were hurt while playing, Mr. Sickler was the one they would run to for help. Mr. Elston will also testify that the Sickler family was, " a very close and Loving family, and none of the Children ever showed any fear of Sickler". Mr. Elston will also testify that over the years prior to these allegations against Sickler, that Sickler and Jennie (Barbara's mother), had discussed with him, various incidents where Barbara had accused others of these acts, (Albert Snook, Mike Chewey, Matt Lehman), and all these allegations proved to be false. Ant that Barbara filed these



charges against Sickler, only after he made Barbara return her engagement ring to Matt Lehman, who she had just accused of raping and beating her a few weeks prior.

2.) Twila Chewey, who Jennie Snook, (Barbara's mother) and the Sickler children were living with right after Barbara made these allegations against Sickler. Mrs. Chewey will testify that Barbara Snook personally told her that Matt Lehman had raped her. Mrs. Chewey will also testify that Sickler was a good father, raised Barb as his own daughter, she never saw any signs of abuse. That Barb never feared Sickler, and would go anywhere with him, and even after Barb filed these charges against Sickler, Barb would come to Chewey's home to visit Sickler, and would call Sickler regularly just to talk. Mrs. Chewey will also testify that she had left her own children with Sickler, both before and after Barbara had made these charges against Sickler, and would not hesitate to do so again.

3.) Clarence Wilkes, who Sickler and family were residing with at Box 21-A when and where Barbara alleges these acts to have occurred. Mr. Wilkes will testify that Barbara had accused Al Snook of fondling her breast in the past, and that Sickler was very angry when she told him. Mr. Wilkes will also testify that he is a Viet Nam vet, and as a result, he does not sleep well, walks through and around the home many times each night, and never saw anything that even pointed to the alleged abuse. Mr. Wilkes will also testify that Barbara never feared Sickler, neither before or after she had filed these charges, and that just 5 days before Sickler went to trial on these charges, Barb had come to his home to see Sickler.

5-C

4.) Albert Harrison, Sickler's step-son, who will testify that Sickler was a good father, very strict, but loving and fair. That Sickler didn't even hit his children, and would not even allow their Grandparents to use corporal punishment on them. Mr. Harrison will also testify that, "Barbara had a habbit of saying stuff like this anytime she didn't get her own way, or knew she was in trouble," and gives examples of Barb accusing Matt Lehman, Mike Chrezney, Albert Snook, Mike Chewey, John Suttlif, and their ex-landlord, Mr. Jones of raping or molesting her in the past. Albert will also testify that he nor any of his sibilings ever feared Sickler. Albert will also testify that Barb accused sickler of these acts against his younger sisters, and states that its an "outright lie" , and adds that Sickler even had to put a screen door on his, (Sickler's) bedroom to keep his children from sneaking into his bed at night, and still be able to hear the children during the night. MR. Harrison will also testify that he and two of his brothers left their mothers home, two months before Sicklers trial, and stayed with him untill two weeks before trial, with their Moms permission. he will also testify that Barb made these charges against Sickler only after she got in big trouble at her Grandparents home, and knew she would be "Grounded, Big Time", and that even after she made these charges, Barb would go see Sickler, and visit for hours.

5.) Douglas Sickler Jr., who will testify that his father "is Not the monster that Barb is accusing him of being"and states that "quite the opposite Dad loved us dearly and did everything he could to keep us happy and secure." That sickler didn't even

hit us when we messed up. Doug Jr. will also testify that, " Barb would say anything to keep herself out of trouble, or just to start trouble for someone else. Douglas Jr. will also testify that Barbara accused, "quite a few people of raping or molesting her in the past", and goes on to explain that Barb had accused Matt Lehman of raping her, accused his grandfather, Albert Snook, of molesting her in the past, (and again in 1994, just before Sicklers trial,) accused Mike Chrezney of rape, accused John Suttlif of "touching her and stuff". And that the Sickler family even got evicted from their home once, in part due to Barbara accusing their Landlord, Mr. Jones, of touching her and offering her money for sex. Douglas jr. will also testify that Barbara never feared Sickler, and that even after she had filed these charges against Sickler, she would go visit Sickler. Douglas Jr. states that even after Sickler was arrested for these charges, he and his brothers, in 1994, moved out of their Mothers home, and spent their summer vacation with Sickler, untill two weeks before Sickler's trial. And also that in 1993, just two months after Sickler was arrested, his Mother, Jennie Snook, and all the children, (Albert, Douglas, Nicholas, Genifer, and Tricia), with the exception of Barbara, spent Christmas and 3 or 4 more days with Sickler. No-one ever feared Sickler.

6.) Leah Mazeika, who will testify that she lived with the Sickler family in 1989, that she and Barbara were very close and talked about everything. That Barbara had then told her about other men "trying things sexually with her, and they were all false". That Barbara even accused Mrs. Mazeika's brothers, Leon

and Noel Stratton of these things. Mrs. Mazeika will also testify that Sickler was a very good father, and that Barbara started getting mad at Sickler when he started giving her limits, and that Barbara hated it because Sickler wouldn't let her go out with the guy she wanted to. Mrs. Mazeika Has known Sickler all of her life, and states that Sickler would never do the things that he is accused of. Mrs. Mazeika states that, "Barbara is trying to get back at Sickler for being a father, when she didn't want one.

Other issues of ineffective counsel, that Att. Grealish raised against Sickler's trial counsel, (B. Dyller), at Sickler's p.C.R.A. hearing are as follows:

That Mr. Dyller also failed to investigate and or interview Albert Snook, who was also accused by Barbara of molesting her, before she made these charges against Sickler. (Have Children and Youth contact sheet, stating that Barbara can not stay with grandparents, as she has accused Grandfather, (Albert Snook), of molesting her in the past.) Mr. Snook was again accused of these acts by Barbara, in 1994, just before Sickler's trial. (Have Children and Youth contact sheet stating that Barbara said that Grandfather apologized for the attempted molestation.)

That Mr. Dyller also failed to investigate and or interview Laniece Aber, Who Barbara was staying with after she made these allegations against Sickler. Children and Youth contact sheets show that Mrs. Aber stated that Barbara is lieing and has made this type of allegations against others in the past, and she, (Mrs. Aber), is afraid that Barbara will accuse her husband next if she, (Barbara), doesn't get her own way.

E-E

That Mr. Dyller also failed to interview State Police Officer, Mr. Hayse, of the Fern Ridge State Police Barracks, where Barbara first made these allegations against Sickler, even though C&Y contact sheets show that "Barbaras propensity for lying had come from the Fern Ridge State Police. (At P.C.R.A. hearing, C&Y worker Wilma Snopek testified that the information regarding Barbaras propensity for lying had come from the State police at Fern Ridge, P.C.R.A. transcript 9/13/94 at 119.) Mr. Dyller had access to two private investigators, that he chose not to use to help in his investigation, another factor which should be used to assess Mr. Dyllers effectiveness.

These potential witnesses would also have discredited the prosecutions theory and witnesses, who were claiming that Barbara had never accused anyone other than Sickler of these acts, and that Sickler and his family made up these stories after his arrest. C&Y contact sheets from August 1993, show that C&Y had interviewed Lanice Aber, Barbara Snook, (Barbaras Grandmother), and Jennie Snook, Barbaras mother, and these accusations against others by Barbara had surfaced, and that this was before Sickler was even aware of these accusations, as C&Y contact sheets show that after Wilma Snopeks Interview with Jennie Snook, Mrs. Snopek had Jennie Snook call Sickler at work to inform him of these allegations, and to inform him that C&Y did not want him to return to to the home untill they completed their investigation. MR. Sickler was interviewed for the first time aproximately one week later. all these potential witnesses, that Mr. Dyller

failed to investigate, would have verified that Barbara had made this type of false allegations many times against others in the past, and were vital to presenting Sicklers defense. Still Mr. Dyller made absolutely no effort to investigate or interview these witnesses that he definately knew existed, as they were clearly documented in the discovery that Mr. Dyller recieved. Mr. Dyllers failure to investigate and prepare for trial shows a great indifference to Sicklers best intrest and clearly prejudiced his defense.

Other issues that Mr. Grealish raised at the P.C.R.A. are :

- 1) Mr Dyller also failed to consult adequately with Sickler before trial, and failed to inform him fully on important issues and decissions regarding his defense, in the following respects. Mr. Dyller failed to consult adequately with Sickler in regards to Sickler taking the stand to testify on his own behalf.

P.C.R.A. transcript 7/29/97 at 155, show that the only conversation that Mr. Dyller had with Sickler about testifying was during a "short break" during the trial, where he advised Sickler not to take the stand. trial transcript 9/ /94, show that before Wilma Snopek took the stand, Mr. Dyller had not made a decission as to whether Sickler would be testifying, as he states to the Court, "after She (wilma Snopek, is done, I will decide whether or not my client will testify." Trial Transcript 9/ /94 at 143-145 show that directly after Mrs. Snopeks testimony, and before the short break in trial, Mr. Dyller had rested his case, and even discussed points of charge with the court. This conversation which Mr. Dyller had with Sickler, after he had already closed



his the case, merely advised Sickler not to take the stand. Mr.

Dyller never discussed with Sickler that he could take the stand and declare his innocence to the jury in his own words.

Nor did Mr. Dyller advise Sickler that he could discuss his relationship with the alleged victim, and explain to the jury the circumstances leading up to these allegations made by Barbara.

Mr. Sickler still maintains his innocence 100%, and would testify that he and Barbara had a very good relationship, although he was very strict, and that Barbara never feared him, before or after she made these accusations against him. Sickler would also

testify that after Barbara accused Matt Lehman of raping and beating her, that he, (Sickler) made Barbara return her engagement ring to Mr. Lehman, and forbid him from seeing Barbara. at that time for Barbaras safety, Sickler sent her to her Grandparents home in Long Pond. ( Albert & Barbara Snook). Shortly thereafter, Grandmother Snook called the Sickler home and informed them that Barbara was defying her Grandparents, sneaking out at night with a boy she had just met, drinking, doing drugs and staying out all night. (Have C&Y contact sheets to verify Barbaras actions)

Grandmother Snook asked Sickler to come get Barbara because she was out of control. Sickler told Mrs. Snook that they would pick Barbara up Friday night after he got home from work. It was then that Barbara made these allegations against him, because she knew she would be grounded and lose all her privileges for a very long time due to her actions. And that Barbara knew she would not have to return home after she made these allegations, as a school mate had recently gone through such an ordeal.



Sickler would also testify that that the grandparents, Albert & Brabara Snook, (at the time in question, Barbara Walker), were living with the Sickler family at KP11, Harveys Lake, where and when Barbara alleges these acts to have occurred. School records for Patricia Walker would verify this. Sickler would testify that at Maple Street, Harveys Lake, where Barbara alleges more abuse to have happened, that Terry White was residing with the Sickler family. have a statement from Kay Elko, who was Mr. Whites girlfriend at the time, and was at the Sickler home regularly to verify this, and that there were no signs of abuse, or any sign of fear from Barbara. Mr. Sickler would also have testified and shown where C&Y contact sheets showed that the allegations made against others by Barbara, had origionally came from others, (Laniece Aber, Barbara Snook Sr., Jennie Snook, ect.) to prove to the jury that Sickler did not make up these allegations after his arrest as the prosecution was telling the jury. This is just a brief summary of what Sickler would testify to. Mr. Dyller admits, P.C.R.A. transcript 7/28/97 at 84, that he did not have a lenghty indepth presentation on testimony, buthe had to do it if that decision was made". Mr. Dyllers advice for Sickler not to testify, that was given during a short break, (Aprox. 30 min.), after he had already rested his case, and even discussed points of charge with the court, can in no way be considered a "full consultation with counsel." mr. Dyllers advice, and suggesting that testifying usually does more harm than good, seems highly inaccurate and not in Sicklers best intrest, especially in a case of such a sensitive nature, and where the outcome of the trial

boiled down to a credibility contest between the alleged victim and Sickler, as there was no physical evidence or eye witnesses to the alleged acts.

That Mr. Dyller failed to move for a mistrial when the prosecutor intentionally elicited the "founded determination from C&Y Services worker, Wilma Snopek, (Trial Trans. 9/13/94 at 137). Mr. Dyller objected and was sustained by the Court, and a cautionary instruction was given. Directly after, and in violation of Trial Courts ruling, the prosecutor chose to exploit the founded determination further, (Trial Trans. 9/13/94 at 138), so he merely rephrased the question, in even more devastating terms, just in case the jury missed it the first time. Mr. Dyller objected again, and the Court sustained again, adding "it didn't matter what they found or didn't", and moved on with the trial. There was no cautionary instruction in the second instance, and Mr. Dyller should have moved for a mistrial. Mrs. Snopek's opinion that the Abuse was "on going", was her conjectural belief of Barbara's story, and was not based on any objective findings or facts. These statements, which were intentionally elicited and then exploited in violation of Trial Courts ruling, amounted to telling the the jury that a State Agency, C&Y Services, had already proved these allegations to be true, and that the trial was a mere formality.

That Mr. Dyller failed to consult with Sickler on the use of Character witnesses. P.C.R.A. Trans. 7/29/94 at 152, will show that Sickler informed Mr. Dyller that he had potential character witnesses, and still Mr. Dyller made absolutely no effort to

K K

explore this line of defense. Mr Dyller was aware that Character witnesses alone can provide the reasonable doubt necessary for an acquittal, and that a jury instruction to that effect might have been fashioned, (see P.C.R.A. 7/28/97 at 82). also Mr. Dyller, (P.C.R.A. 7/28 97 at 78 - 80), "did not recall" ever discussing character witnesses with Sickler, and "did not recall at all", ever asking Sickler for names and addresses of potential character witnesses. Mr Dyller had no reasonable basis for not calling character witnesses, that Mr Dyller "thought he had more than character witnesses, is not justification to omit a trial strategy that could have led to an acquittal on its own. mr. Dyllers speculation as to Sicklers prior criminal history being a reason for not calling character witnesses echos hollow once he indicates that he don't recall Sicklers proir criminal history, (see P.C.R.A. 7/28/97 at 79). And just for the record, Sicklers prior record shows no crimes involving minors, nor does it show any crimes involving crimin falsi. Mr. Sickler has numerous Character witnesses who were available and willing to testify on his behalf, Have affidavits from many of these people, who will speak of Sicklers good relationship with his children, his family, and friends. That none of Sicklers children ever feared him, and that some of these people had even left their own children with Sickler, without incident, and would not hesitate to do so again. And that Sickler would never commit the acts he is accused of. And many will state that Barbara has made this type of allegations against others in the past.

( PREVIOUS APPEAL IF NEEDED )

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9. If you did appeal, answer the following:

(a) Name of court Luzerne County Court House, Wilkes Barre, Pa.(b) Result Denied(c) Date of result and citation, if known January 23, 1995(d) Grounds raised Unknown

(e) If you sought further review of the decision on appeal by a higher state court, please answer the following:

(1) Name of court Superior Court of Pa.(2) Result Affirmed(3) Date of result and citation, if known October 16, 1995(4) Grounds raised Unknown

(f) If you filed a petition for certiorari in the United States Supreme Court, please answer the following with respect to each direct appeal:

(1) Name of court Forclosed from filing, due to Att. error(2) Result (Was notified by Att. Urbanski of the Superior Court decision on November 28, 1995, 13 days after my time to file expired.) Copy of letter attached.

(3) Date of result and citation, if known \_\_\_\_\_

(4) Grounds raised \_\_\_\_\_

10. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions with respect to this judgment in any court, state or federal?

Yes ☐ No ☐

11. If your answer to 10 was "yes," give the following information:

(a) (1) Name of court Luzerne County Court House, W.B., Pa.(2) Nature of proceeding P.C.R.A.(3) Grounds raised Denial of effective assistance of Counsel

**HAGGERTY & URBANSKI**

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STEPHEN K. URBANSKI  
JAMES J. HAGGERTY

RICHARD J. CONFAIR  
COUNSEL TO THE FIRM

November 28, 1995

MS MARION SICKLER  
R. D. #2 BOX 21-AA  
HARVEY'S LAKE, PA 18618

RE: Commonwealth v. Sickler

Dear Marion:

Please be advised that the Superior Court has affirmed the decision of the Court of Common Pleas and upheld the conviction. At this time I would suggest another appeal on the grounds of newly discovered evidence. What this means is we must get affidavits concerning the fact that the victim lied on the stand with regard to the charges.

Please contact my office at your earliest convenience in order to discuss this matter along with the outstanding legal fee.

I look forward to hearing from you in the near future.

Thank you.

Very truly yours,

Stephen K. Urbanski

SKU/bhm

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AO 241 (Rev. 5/85)

1: CV 00-1475

PETITION UNDER 28 USC § 2254 FOR WRIT OF  
HABEAS CORPUS BY A PERSON IN STATE CUSTODY

(If petitioner is attacking a judgment which imposed a sentence to be served in the future, petitioner must fill in the name of the state where the judgment was entered. If petitioner has a sentence to be served in the future under a federal judgment which he wishes to attack, he should file a motion under 28 U.S.C. § 2255, in the federal court which entered the judgment.)

PETITION FOR WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY

Instructions-Read Carefully

- (1) This petition must be legibly handwritten or typewritten, and signed by the petitioner under penalty of perjury. Any false statement of a material fact may serve as the basis for prosecution and conviction for perjury. All questions must be answered concisely in the proper space on the form.
- (a) Additional pages are not permitted except with respect to the facts which you rely upon to support your grounds for relief. No citation of authorities need be furnished. If briefs or arguments are submitted, they should be submitted in the form of a separate memorandum.
- (3) Upon receipt of a fee of \$5 your petition will be filed if it is in proper order.
- (4) If you do not have the necessary funds for transcripts, counsel, appeal, and other costs connected with a motion of this type, you may request permission to proceed *in forma pauperis*, in which event you must execute form AO 240 or any other form required by the court, setting forth information establishing your inability to pay the costs. If you wish to proceed *in forma pauperis*, you must have an authorized officer at the penal institution complete the certificate as to the amount of money and securities on deposit to your credit in any account in the institution. If your personal account exceeds \$\_\_\_\_\_, you must pay the filing fee as required by the rules of the district court.
- (5) Only judgments entered by one court may be challenged in a single motion. If you seek to challenge judgments entered by different courts either in the same state or in different states, you must file separate petitions as to each court.
- (6) Your attention is directed to the fact that you must include all grounds for relief and all facts supporting such grounds for relief in the petition you file seeking relief from any judgment of conviction.
- (7) When the petition is fully completed, the original and at least two copies must be mailed to the Clerk of the United States District Court whose address is
- (8) Petitions which do not conform to these instructions will be returned with a notation as to the deficiency.